

Honorable John C. Coughenour

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

DEVELOPERS SURETY AND INDEMNITY
COMPANY, an Iowa corporation,

Plaintiff,

vs.

CORNELL'S QUALITY CONSTRUCTION,
INC., a Washington corporation, CORNELL
PETRISOR AND RODICA PETRISOR,
husband and wife,

Defendants.

No. 2:16-cv-00051-JCC

**DECLARATION OF KENNETH J.
CUSACK IN SUPPORT OF PLAINTIFF
DEVELOPERS SURETY AND
INDEMNITY COMPANY'S MOTION
TO VACATE STATUS CONFERENCE**

HEARING DATE: APRIL 15, 2016

I, Kenneth J. Cusack, declare as follows:

1. I am over the age of eighteen and am competent to make the following declaration based upon my personal knowledge. I am one of the attorneys representing Plaintiff Developers Surety and Indemnity Company in this action.

2. Attached hereto as **Exhibit 1** is a true and correct copy of the Declaration of Service upon Rodica Petrisor of Summons in a Civil Action, Complaint for Declaratory Judgment Jury Demand, dated April 5, 2016.

3. Attached hereto as **Exhibit 2** is a true and correct copy of the Declaration of

1 Service upon Cornell's Quality Construction, Inc. c/o Cornell Petrisor of Summons in a Civil
2 Action, Complaint for Declaratory Judgment Jury Demand, dated April 7, 2016.

3 4. Attached hereto as **Exhibit 3** is a true and correct copy of the Declaration of
4 Service upon Cornell Petrisor c/o Steven Jager of Summons in a Civil Action, Complaint for
5 Declaratory Judgment Jury Demand, dated April 8, 2016.

6 5. Attached hereto as **Exhibit 4** is a true and correct copy of the Declaration of
7 Service upon Cornell's Quality Construction, Inc. c/o Steven Jager of Summons in a Civil
8 Action, Complaint for Declaratory Judgment Jury Demand, dated April 8, 2016.

9 6. Attached hereto as **Exhibit 5** is a true and correct copy of email correspondence
10 to Steve Jager from Kenneth Cusack, dated January 20, 2016.

11 7. Attached hereto as **Exhibit 6** is a true and correct copy of a second email
12 correspondence to Steve Jager from Kenneth Cusack, dated January 20, 2016.

13 8. Attached hereto as **Exhibit 7** is a true and correct copy of email correspondence
14 to Steve Jager from Kenneth Cusack, dated March 21, 2016.

15 9. Attached hereto as **Exhibit 8** is a true and correct copy of email correspondence
16 to Linda Forman from Kenneth Cusack, dated March 22, 2016.

17 10. Attached hereto as **Exhibit 9** is a true and correct copy of email correspondence
18 to Linda Foreman from Kenneth Cusack, dated March 30, 2016.

19 11. Attached hereto as **Exhibit 10** is a true and correct copy of email
20 correspondence to Kenneth Cusack from Linda Foreman, dated March 30, 2016.

21 //

22 //

1 I declare under penalty of perjury under the laws of the State of Washington that the
2 foregoing is true and correct.

3 Signed and dated this 13th day of April, 2016 at Seattle, Washington.

4 
5

6 Kenneth J. Cusack
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Exhibit 1.

IN THE UNITED STATES DISTRICT COURT, WESTERN DISTRICT OF WASHINGTON, AT SEATTLE

**DEVELOPERS SURETY AND INDEMNITY
COMPANY, AN IOWA CORPORATION**

Plaintiff/Petitioner

vs.

**CORNELL'S QUALITY CONSTRUCTION, INC., A
WASHINGTON CORPORATION; ET AL.**

Defendant/Respondent

Cause No.: **2:16-CV-00051-JCC**

Hearing Date:

**DECLARATION OF SERVICE OF
SUMMONS IN A CIVIL ACTION; COMPLAINT FOR
DECLARATORY JUDGMENT JURY DEMAND**

The undersigned hereby declares: That s(he) is now and at all times herein mentioned was a citizen of the United States, over the age of eighteen, not an officer of a plaintiff corporation, not a party to nor interested in the above entitled action, and is competent to be a witness therein.

On the **5th day of April, 2016** at **3:54 PM** at the address of **11626 Slater Ave Ne, Kirkland, King County, WA 98034**; this declarant served the above described documents upon **RODICA PETRISOR** by then and there personally delivering **1** true and correct copy(ies) thereof, by then presenting to and leaving the same with **RODICA PETRISOR, Who accepted service, with identity confirmed by verbal communication, a white female approx. 45-55 years of age, 5'4"-5'6" tall, weighing 160-180 lbs with dyed hair with an accent..**

No information was provided or discovered that indicates that the subjects served are members of the United States military.

Service Fee Total: \$ **119.50**

Declarant hereby states under penalty of perjury under the laws of the State of Washington that the statement above is true and correct.

DATED 4/5/16



Timothy Peterson, Reg. # 9307747, King County

ORIGINAL PROOF OF SERVICE

PAGE 1 OF 1



For: **Forsberg & Umlauf (Seattle)**
Ref #: **1408.0002 (RODICA PETRISOR)**

Tracking #: **0011150589**



Exhibit 2.

IN THE UNITED STATES DISTRICT COURT, WESTERN DISTRICT OF WASHINGTON, AT SEATTLE

**DEVELOPERS SURETY AND INDEMNITY
COMPANY, AN IOWA CORPORATION**

Plaintiff/Petitioner

vs.

**CORNELL'S QUALITY CONSTRUCTION, INC., A
WASHINGTON CORPORATION; ET AL.**

Defendant/Respondent

Cause No.: **2:16-CV-00051-JCC**

Hearing Date:

**DECLARATION OF NON-SERVICE OF:
SUMMONS IN A CIVIL ACTION; COMPLAINT FOR
DECLARATORY JUDGMENT JURY DEMAND**

The undersigned hereby declares: That s(he) is now and at all times herein mentioned was a citizen of the United States, over the age of eighteen, not an officer of a plaintiff corporation, not a party to nor interested in the above entitled action, and is competent to be a witness therein.

Declarant states s(he) attempted to serve **CORNELL'S QUALITY CONSTRUCTION, INC. c/o CORNELL PETRISOR, REGISTERED AGENT** at the address of: **11626 SLATER AVENUE NE SUITE 9, KIRKLAND, WA 98034** and was unable to effect service for the following reasons:

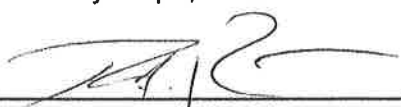
4/5/2016 3:54 PM: Per RODICA PETRISOR, SPOUSE, a white female contact approx. 45-55 years of age, 5'6" -5'8" tall, weighing 160-180 lbs with brown hair with an accent... Wife refused to give me a timeline when subject will be in " he will not accept service here or at residence".

4/6/2016 1:39 PM: No answer at door, no noise inside, lights on inside and no movement inside, no vehicles present.

Service Fee Total: \$ **129.50**

Declarant hereby states under penalty of perjury under the laws of the State of Washington that the statement above is true and correct.

DATED this 7th day of April, 2016.



Timothy Peterson, Reg. #9307747, King County

ORIGINAL PROOF OF NON-SERVICE

PAGE 1 OF 1

Tracking #: 0011175435



For: Forsberg & Umlauf (Seattle)

Ref #: 1408.0002 (CORNELL'S QUALITY CONSTRUCTION, INC.)



Exhibit 3.

IN THE UNITED STATES DISTRICT COURT, WESTERN DISTRICT OF WASHINGTON, AT SEATTLE

**DEVELOPERS SURETY AND INDEMNITY
COMPANY, AN IOWA CORPORATION**
Plaintiff/Petitioner

vs.

**CORNELL'S QUALITY CONSTRUCTION, INC., A
WASHINGTON CORPORATION; ET AL.**
Defendant/Respondent

Cause No.: **2:16-CV-00051-JCC**
Hearing Date:

**DECLARATION OF SERVICE OF
SUMMONS IN A CIVIL ACTION; COMPLAINT FOR
DECLARATORY JUDGMENT JURY DEMAND**

The undersigned hereby declares: That s(he) is now and at all times herein mentioned was a citizen of the United States, over the age of eighteen, not an officer of a plaintiff corporation, not a party to nor interested in the above entitled action, and is competent to be a witness therein.


On the 7th day of April, 2016 at 1:51 PM at the address of **Jager Clark, PLC, 600 STEWART ST. SUITE 1100, SEATTLE, King County, WA 98101**; this declarant served the above described documents upon **CORNELL PETRISOR c/o STEVEN J. JAGER, ATTORNEY** by then and there personally delivering 1 true and correct copy(ies) thereof, by then presenting to and leaving the same with **Lisa Persson, LEGAL ASSISTANT, PERSON AUTHORIZED TO ACCEPT, who accepted service, with identity confirmed by verbal communication, a white female approx. 35-45 years of age, 5'4"-5'6" tall, weighing 120-140 lbs with blonde hair.**

No information was provided or discovered that indicates that the subjects served are members of the United States military.

Service Fee Total: \$ 59.50

Declarant hereby states under penalty of perjury under the laws of the State of Washington that the statement above is true and correct.

DATED 4/8/16


James Bradford, Reg. # 204960, King County

ORIGINAL PROOF OF SERVICE

PAGE 1 OF 1



For: Forsberg & Umlauf (Seattle)
Ref #: 1408.0002 (CORNELL PETRISOR)

Tracking #: 0011187536



Exhibit 4.

IN THE UNITED STATES DISTRICT COURT, WESTERN DISTRICT OF WASHINGTON, AT SEATTLE

**DEVELOPERS SURETY AND INDEMNITY
COMPANY, AN IOWA CORPORATION**

Plaintiff/Petitioner

vs.

**CORNELL'S QUALITY CONSTRUCTION, INC., A
WASHINGTON CORPORATION; ET AL.**

Defendant/Respondent

Cause No.: **2:16-CV-00051-JCC**

Hearing Date:

**DECLARATION OF SERVICE OF
SUMMONS IN A CIVIL ACTION; COMPLAINT FOR
DECLARATORY JUDGMENT JURY DEMAND**

The undersigned hereby declares: That s(he) is now and at all times herein mentioned was a citizen of the United States, over the age of eighteen, not an officer of a plaintiff corporation, not a party to nor interested in the above entitled action, and is competent to be a witness therein.

On the **7th day of April, 2016** at **1:51 PM** at the address of **Jager Clark, PLLC, 600 STEWART ST., SUITE 1100, SEATTLE, King County, WA 98101**; this declarant served the above described documents upon **CORNELL'S QUALITY CONSTRUCTION, INC. c/o STEVEN J. JAGER, ATTORNEY** by then and there personally delivering 1 true and correct copy(ies) thereof, by then presenting to and leaving the same with **Lisa Persson, LEGAL ASSISTANT , PERSON AUTHORIZED TO ACCEPT, who accepted service, with Identity confirmed by verbal communication, a white female approx. 35-45 years of age, 5'4"-5'6" tall, weighing 120-140 lbs with blonde hair..**

No information was provided or discovered that indicates that the subjects served are members of the United States military.

Service Fee Total: \$ 59.50

Declarant hereby states under penalty of perjury under the laws of the State of Washington that the statement above is true and correct.

DATED 4/8/16



James Bradford, Reg. # 204960, King County

ORIGINAL PROOF OF SERVICE

PAGE 1 OF 1



For: Forsberg & Umlauf (Seattle)

Ref #: 1408.0002 (CORNELL'S QUALITY CONSTRUCTION, INC.)

Tracking #: 0011181172



Exhibit 5.

Kenneth Cusack

From: Kenneth Cusack
Sent: Wednesday, January 20, 2016 3:05 PM
To: 'steven@jagerlaw.com'
Subject: DSI v. Cornell's Quality Construction et al.

Steven:

Any word yet on whether you are authorized to accept service on behalf of Cornell's Quality Construction, Inc. and/or Petrisor and Rodica Petrisor, of DSI's Complaint for Declaratory Judgment?

Kenneth J. Cusack | Forsberg & Umlauf, P.S.
901 Fifth Avenue, Suite 1400 | Seattle, WA 98164
Tel: 206-689-8500 | Fax: 206-689-8501
www.forsberg-umlau.com

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Exhibit 6.

Kenneth Cusack

From: Kenneth Cusack
Sent: Wednesday, January 20, 2016 4:25 PM
To: 'Steven J. Jager'
Subject: RE: Dec action

I understood you are out through the 26th, back on the 27th. So I gave you an extra day until the 28th to confirm that you can accept service. Does that work?

Kenneth J. Cusack | Forsberg & Umlauf, P.S.
901 Fifth Avenue, Suite 1400 | Seattle, WA 98164
Tel: 206-689-8500 | Fax: 206-689-8501
www.forsberg-umlau.com

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From: Steven J. Jager [<mailto:steven@jagerclark.com>]
Sent: Wednesday, January 20, 2016 4:23 PM
To: Kenneth Cusack
Subject: Re: Dec action

26th

Sent from my iPhone

On Jan 20, 2016, at 4:19 PM, Kenneth Cusack <KCusack@forsberg-umlau.com> wrote:

Until the 28th? If I haven't heard by then I will go ahead and server the defendants personally.

Kenneth J. Cusack | Forsberg & Umlauf, P.S.
901 Fifth Avenue, Suite 1400 | Seattle, WA 98164
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From: Steven J. Jager [<mailto:steven@jagerclark.com>]
Sent: Wednesday, January 20, 2016 4:17 PM
To: Kenneth Cusack
Subject: Dec action

I expect no problem, but will wait for the confirmation. Can you wait a few days? (I am out tomorrow through the 26th, and out of cell phone/internet range)

Steven J. Jager, PARTNER

JAGER CLARK PLLC

600 STEWART STREET, SUITE 1100, SEATTLE, WASHINGTON 98101

MAIN 206.441.9710 DIRECT 206.441.9709 FAX 206.441.9711

EMAIL steven@jagerclark.com

Please note our new firm name and email address changes above.

NOTICE: This e-mail is for the sole use of the intended recipient(s) and contains information belonging to Jager Clark PLLC, which may be confidential and/or privileged. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of the contents of this e-mail information is strictly prohibited. If you have received this e-mail in error, please immediately notify the sender and destroy all copies of the original message.

RECEIVED
JAGER LAW OFFICE, PLLC

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

DEVELOPERS SURETY AND INDEMNITY
COMPANY, an Iowa corporation,

Plaintiff,

vs.

CORNELL'S QUALITY CONSTRUCTION,
INC., a Washington corporation, CORNELL
PETRISOR AND RODICA PETRISOR,
husband and wife,

Defendants.

No.

ACCEPTANCE OF SERVICE

I, Steven Jager, attorney for Defendants, hereby accept and acknowledge service of the Summons, Complaint, and discovery requests on behalf of Defendants that was filed with the United States District Court in the above-referenced case, and warrant that I have my clients' full authority to accept service on their behalf. Plaintiff agrees to allow Defendants 28 days from date of service to serve and file their responsive pleadings. Defendants' Answer will be due on February 10, 2016.

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SJT

ACCEPTANCE OF SERVICE - PAGE 1

1516483 / 1408.0002

FORSBERG & UMLAUF, P.S.
ATTORNEYS AT LAW
901 FIFTH AVENUE • SUITE 1400
SEATTLE, WASHINGTON 98164-1039
(206) 689-8500 • (206) 689-8501 FAX

1 I declare under penalty of perjury under the laws of the State of Washington that the
2 foregoing is true and correct.

3 Dated this 28 day of January, 2016.

JAGER/CLARK LAW

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5
6 Mr. Steven Jager; WSBA #10942
7 600 Stewart Street, Suite 1100
8 Seattle, WA 98101
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Exhibit 7.

Kenneth Cusack

From: Kenneth Cusack
Sent: Monday, March 21, 2016 3:26 PM
To: 'Steven J. Jager'
Subject: RE: Cornell's Quality Construction

I have not heard from her at all.

Kenneth J. Cusack | Forsberg & Umlauf, P.S.
901 Fifth Avenue, Suite 1400 | Seattle, WA 98164
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www.forsberg-umlau.com

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From: Steven J. Jager [<mailto:steven@jagerclark.com>]
Sent: Monday, March 21, 2016 3:27 PM
To: Kenneth Cusack
Subject: RE: Cornell's Quality Construction

I presume you have heard from Linda Foreman by now

From: Kenneth Cusack [<mailto:KCusack@forsberg-umlau.com>]
Sent: Thursday, March 10, 2016 4:20 PM
To: Steven J. Jager <steven@jagerclark.com>
Subject: Cornell's Quality Construction

Steve:

I have not seen a Notice of Appearance in the DJ action or an Answer, which is past due. Do you know if Cornell's has retained a coverage attorney?

Kenneth J. Cusack | Forsberg & Umlauf, P.S.
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Exhibit 8.

Kenneth Cusack

From: Kenneth Cusack
Sent: Tuesday, March 22, 2016 11:29 AM
To: 'linda@lindaforeman.com'
Subject: Cornell's Quality Construction

Dear Linda:

I understand from Steven Jager that you may represent Cornell's Quality Construction, Inc. regarding coverage under a Developers Surety and Indemnity Company policy for a claim against Cornell's that Steven is defending. Could you confirm whether or not you are Cornell's coverage attorney, whether you will be entering an appearance in Developer's DJ action, and whether you will be filing an Answer on behalf of Cornell's? Thank you in advance for your response.

Kenneth J. Cusack | Forsberg & Umlauf, P.S.
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Exhibit 9.

Kenneth Cusack

From: Kenneth Cusack <KCusack@forsberg-umlauf.com>
Sent: Wednesday, March 30, 2016 10:39 AM
To: Linda Foreman
Subject: Cornell's Quality Construction

Linda:

Following up on our conversation last week and my VM from yesterday. Please advise if you will be entering an appearance shortly and/or if Cornell's will be filing an Answer shortly. Thanks.

Kenneth J. Cusack | Forsberg & Umlauf, P.S.
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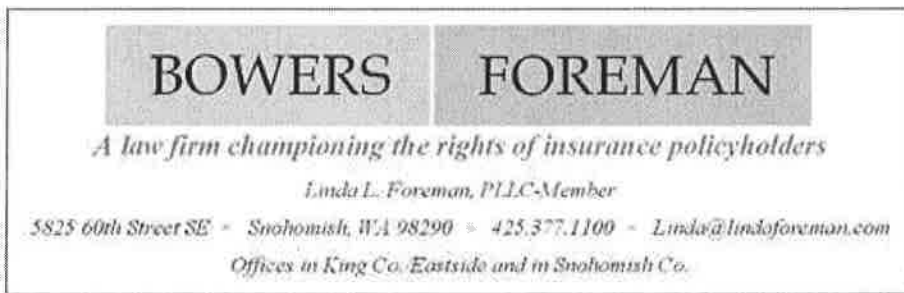
Exhibit 10.

Kenneth Cusack

From: Linda Foreman <linda@lindaforeman.com>
Sent: Wednesday, March 30, 2016 10:41 AM
To: Kenneth Cusack
Subject: RE: Cornell's Quality Construction
Attachments: Cornell's Quality Construction

I have not received a response from my clients to that question.

Linda L. Foreman



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